

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN ALLEN,
Plaintiff,
v.
E. BIRDSONG, et al.,
Defendants.

Case No. 14-cv-04109-JST (PR)

**ORDER GRANTING DEFENDANTS'
SECOND MOTION FOR EXTENSION
OF TIME; ADDRESSING PLAINTIFF'S
MOTIONS**

Re: Dkt. Nos. 44, 45, 46

GOOD CAUSE APPEARING, defendants' motion for an extension of time to file a dispositive motion is hereby GRANTED. The deadline for defendants to file a dispositive motion is CONTINUED to **July 29, 2016**. Plaintiff shall file any opposition to defendants' motion within **twenty-eight (28)** days of the date the motion is filed. Defendants shall file a reply within **fourteen (14)** days of the date the opposition is filed.

Plaintiff has filed a motion to appoint counsel. This is plaintiff's second request for appointment of counsel in this action. For the reasons stated in the Court's prior order (dkt. no. 26), plaintiff's new request for appointment of counsel is DENIED.

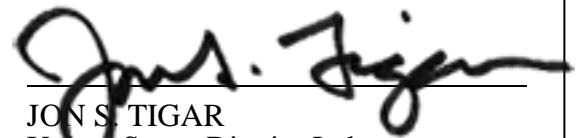
Plaintiff has also filed a motion for a court order directing that he be transferred from Kern Valley State Prison back to Salinas Valley State Prison, where he was previously approved for back surgery. Prisoners have no constitutional right to incarceration in a particular institution. See Olim v. Wakinekona, 461 U.S. 238, 244-48 (1983); Meachum v. Fano, 427 U.S. 215, 224 (1976). A prisoner's liberty interests are sufficiently extinguished by his conviction that the state may generally confine or transfer him to any of its institutions, or to prisons in another state, without offending the Constitution. See Rizzo v. Dawson, 778 F.2d 527, 530 (9th Cir. 1985). Further, if the Court were to grant the request, the Court would be interfering with the ordinary

1 day-to-day operations of the prison, which generally federal courts are discouraged from doing.
2 See Turner v. Safley, 482 U.S. 78, 84-85 (1987) (“Running a prison is an inordinately difficult
3 undertaking that requires expertise, planning, and the commitment of resources, all of which are
4 peculiarly within the province of the legislative and executive branches of government. Prison
5 administration is, moreover, a task that has been committed to the responsibility of those branches,
6 and separation of powers concerns counsel a policy of judicial restraint.”). Accordingly,
7 plaintiff’s request for a court ordered transfer must be DENIED.

8 This order terminates Docket Nos. 44, 45, and 46.

9 **IT IS SO ORDERED.**

10 Dated: July 22, 2016

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13 JON S. TIGAR
14 United States District Judge
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